

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

TINA LAUTER,)
Plaintiff,)
v.) Civil Action No.
THE MASSACHUSETTS DEPARTMENT)
OF TRANSPORTATION,) 21-10871-FDS
Defendant.)

)

ORDER

SAYLOR, C.J.

Pro se litigant Tina Lauter has filed an unsigned civil complaint in which she alleges that the Massachusetts Department of Transportation is failing to protect wildlife on a parcel of land owned by the agency.¹ Lauter has also filed a motion for leave to proceed *in forma pauperis*. For the reasons stated below, the Court will deny the motion without prejudice.

Under federal law, the Court may allow a litigant to proceed without prepayment of the filing fee if the person submits an affidavit of her assets and income showing that “the person is unable to pay . . . [the filing] fees or give security therefor.” 28 U.S.C. § 1915(a)(1). One does not have to be “absolutely destitute” to proceed *in forma pauperis*. *Adkins v. E.I. DuPont de Nemours & Co.*, 335 U.S. 331, 339 (1948). Rather, the litigant must show she cannot pay the filing fee “and still be able to provide [her]self and dependents with the necessities of life.” *Id.*

¹ The plaintiff, whose real name is unknown, has asked to proceed under the pseudonym “Tina Lauter.” (Docket No. 4).

Here, Lauter has failed to provide a complete statement of her assets from which the Court may reasonably infer that she cannot pay the \$400 fee for filing this action without sacrificing the necessities of life. Her request to proceed *in forma pauperis* contains a single sentence concerning her financial circumstances: “The Complainant asserts indigency, having no assets, and requests to proceed in forma pauperis.” (Docket No. 4). Her motion does not indicate whether she has any income or how she is able to access the necessities of life.

For the foregoing reasons, Lauter’s motion for leave to proceed *in forma pauperis* is DENIED without prejudice. If Lauter wishes to proceed with this action, she must, within 21 days (that is, by August 5, 2021), pay the \$402 filing fee or submit a completed and signed Application to Proceed in District Court Without Prepaying Fees or Costs. Failure to comply with this order may result in dismissal of this action. The clerk shall provide the plaintiff with an Application.

So Ordered.

Dated: July 15, 2021

/s/ F. Dennis Saylor IV
F. Dennis Saylor IV
Chief Judge, United States District Court